



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

May 11, 2011

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To: Mayor Michael D. Antonovich  
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Supervisor Mark Ridley-Thomas  
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Supervisor Don Knabe

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

## SACRAMENTO UPDATE

This memorandum contains updates on the State Budget and the Governor's Realignment Proposal; four pursuits of County position on legislation related to: 1) CalFresh Program eligibility; 2) consent for medical care for the prevention of a sexually transmitted disease; 3) prohibition of smoking of cigarettes or tobacco products in residential dwelling units; and 4) prohibiting minors from utilizing ultraviolet tanning devices. This update also includes the two status of County-sponsored legislation relating to job qualifications for applicants to the position of public defender and consent for routine medical care for detained minors; and five updates on the status of County-advocacy measures.

### State Budget and Governor's Realignment Proposal Update

The May Budget Revision is expected to be released on Monday, May 16, 2011, and at such time, the Governor will be proposing any modifications to his January Budget projections. According to the California State Association of Counties (CSAC), the May Revision is anticipated to change some of the details of the Governor's Realignment Proposal, which would shift full responsibility for various programs to counties. As previously reported, the first phase of the proposal would be implemented in FY 2011-12 and would designate \$5.9 billion in funding to initiate the shift of program responsibilities from the State to counties for various public safety programs, child welfare services, foster care, adult protective services and certain mental health services.

*"To Enrich Lives Through Effective And Caring Service"*

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Last Week, the CSAC Executive Committee received an update from Diane Cummins, the Administration's point person on Realignment issues, and she reiterated the position that Realignment will be part of the Governor's plan, and that it will include ongoing revenues and constitutional protections for counties.

### **Pursuit of County Position on Legislation**

**AB 402 (Skinner)**, as amended on April 26, 2011, would, among other provisions, provide a school district or a county superintendent the option to: 1) incorporate into the School Lunch Program (SLP) application packet specified notifications related to the CalFresh Program, including a notification for students' parents that if their child qualifies for free school lunches, he or she also may qualify for the CalFresh Program; and 2) request for the parents' consent to share information on the SLP application with the local county welfare offices for CalFresh eligibility determination.

Existing law requires each school district or county superintendent of schools serving students in kindergarten or grades 1 to 12, inclusive, to provide each low-income student one nutritionally adequate free or reduced-price meal during each school day, and the governing board of a school district and the county superintendent of schools to make applications available to students for school-based free or reduced-price meals.

According to the Department of Public Social Services (DPSS), AB 402 would help low-income students receive adequate nutrition by making CalFresh enrollment information available to families that access SLP who would otherwise be unaware that they may be eligible for these benefits, and would help prevent children from experiencing hunger whether they are in or out of school. Also, DPSS indicates that participation by the families that access SLP would increase the County's CalFresh participation rate, and would result in additional Federal and State reimbursement without additional net County cost.

The Department of Public Social Services and this office support AB 402. Support for this measure is consistent with existing Board policy to support: 1) efforts to maximize Federal funding for Medicaid, Food Stamps, child welfare services, child support and child care; and 2) options to simplify the administration of public assistance programs such as CalWORKs, Medi-Cal and Food Stamps, including seeking any necessary Federal waivers. Therefore, **the Sacramento advocates will support AB 402.**

AB 402 is sponsored by the County Welfare Directors Association of California and Western Center on Law and Poverty. This measure is supported by Butte County Department of Employment and Social Services; California Association of Food Banks; California Hunger Action Coalition; Coalition of California Welfare Rights Organizations;

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County of Santa Clara Board of Supervisors; Humboldt County Department of Health and Human Services; Laborers' Local 777 and Local 792; and Santa Barbara County Department of Social Services. There is no registered opposition to this measure.

AB 402 was placed in the Assembly Appropriations Committee suspense file on May 4, 2011.

**AB 499 (Atkins)**, as introduced on February 15, 2011, would permit a minor who is 12 years of age or older to consent to medical care related to the prevention of a sexually transmitted disease (STD).

Existing law allows a minor who is 12 years of age or older to consent to the treatment of a contagious, infectious, communicable diseases, including STDs. AB 499 would allow the minor age 12 or older to consent to the prevention of an STD.

According to the Department of Public Health (DPH), current law does not allow for minors to consent to the prevention of STDs, which would include the Human Papillomavirus (HPV) and Hepatitis B vaccines. These vaccines do not fall under the category of procedures for which minors can consent because their purpose does not diagnose or treat an STD. As a result, adolescents who present to clinics or health centers for confidential medical services are not able to receive STD preventive services. The ability to provide prevention services to adolescents could preserve their health, their reproductive capabilities, and ultimately, their lives.

While adolescent rates of STDs such as Chlamydia and gonorrhea are lower than young adult rates, these cases are of great concern to public health officials because Chlamydia and gonorrhea are the leading causes of preventable infertility in California, affecting all women, but particularly women who are just entering their reproductive years.

In Los Angeles County, cervical cancer remains a serious health threat for certain ethnicities and for low-income women. Mortality from cervical cancer is associated with late stage diagnosis, often caused by the lack of access to preventive services during adolescence. The HPV vaccine holds a major promise for reducing cervical cancer and other HPV-related diseases.

The Departments of Public Health and Health and this office support AB 499. Therefore, consistent with existing Board policy to support proposals to increase access to STD prevention, screening, treatment, and surveillance activities for individuals who are at highest risk, **the Sacramento advocates will support AB 499.**

AB 499 is sponsored by the California STD Controller's Association, and is supported by the California Medical Association; California Nurses Association; American Congress of Obstetricians Children's Hospital Los Angeles, Division of Adolescent Medicine; Kaiser Permanente; National Center for Youth Law; National Council of Jewish Women; among other organizations. AB 499 is opposed by the California Catholic Conference, Inc.; California Right to Life Committee, Inc.; and Capitol Resource Family Impact.

The measure passed the Assembly Judiciary Committee by a vote of 7 to 2 on April 26, 2011, and is pending consideration on the Assembly Floor.

**SB 332 (Padilla)**, which as amended on May 3, 2011, would authorize a landlord of a residential dwelling unit to prohibit the smoking of cigarettes or tobacco products on the property or in any building, including within a dwelling unit, in another exterior or interior area, or on the premises of the dwelling unit itself. The bill also states that the Legislature finds and declares that tobacco related diseases are the nation's leading cause of preventable death and secondhand smoke exposure causes as many as 300,000 children in the United States to suffer lower respiratory tract infections.

Existing law regulates the terms and conditions of residential tenancies. Current law also prohibits smoking of cigarettes or tobacco-related products within 25 feet of a playground or tot lot.

In addition, SB 332 would require leases or rental agreements entered into, on or after January 1, 2012, to include a provision that specifies the areas on the property where smoking is prohibited. The bill also would require adequate notice in writing for a prohibition against smoking of tobacco products on the property in which smoking was previously permitted for leases or rental agreements entered into before January 1, 2012, constituting a change of the terms of tenancy. A landlord who prohibits smoking under this authority would be subject to State and local notice requirements governing changes to the terms of a rental agreement for tenants, as specified. The bill would not preempt any local ordinance in effect on or before January 1, 2012.

The Community Development Commission (CDC) indicates that SB 332 would authorize the Housing Authority of the County of Los Angeles (HACoLA) to include a provision in the lease agreement for residents of properties owned and managed by HACoLA to prohibit smoking of tobacco products within a dwelling unit or on the premises. The CDC also indicates that the U.S. Department of Housing and Urban Development has actively encouraged Public Housing Authorities (PHAs) to adopt no-smoking provisions in their current policies and lease agreements. According to

CDC, the bill would permit PHAs to implement smoke-free policies for public housing units and assist its efforts to make the County's public housing developments non-smoking. The Department of Public Health indicates that SB 332 would help to reduce involuntary exposure to secondhand tobacco smoke in multi-unit housing complexes.

The Community Development Commission, Department of Public Health and this office support SB 332. Therefore, consistent with existing Board policy to support: 1) proposals which establish or enhance policies that reduce the prevalence of smoking and; 2) proposals that would reduce exposure to secondhand smoke including reducing involuntary exposure to secondhand smoke in multi-unit housing complexes, **the Sacramento advocates will support SB 332.**

SB 332 is supported by the American Diabetes Association, Aging Services of California, California Apartment Association and California Medical Association. There is no registered opposition on file.

SB 332 passed the Senate Floor by a vote of 33 to 2 on May 9, 2011. This measure now proceeds to the Assembly.

**SB 746 (Lieu)**, as amended on March 22, 2011, would prohibit persons under 18 years of age from utilizing ultraviolet (UV) tanning devices and eliminate the option for parents to provide consent for their minor children over the age of 14 from using UV tanning devices.

Existing law, the Filante Tanning Facility Act of 1988, prohibits persons under 14 years of age from utilizing UV tanning devices, and prohibits persons between 14 and 18 years of age from using those devices without the consent from the parent or legal guardian.

According to the Department of Public Health, tanning devices emit UV radiation, a known carcinogen, which increases the risk of melanoma, the most lethal form of skin cancer. The risk for skin cancer is greatest for those using UV radiation at younger ages, and can even increase the risk of skin cancer as an adult. DPH also states that according to the Academy of American Pediatrics, the intensity of radiation produced by large, powerful tanning devices may be 10 to 15 times stronger than the mid-day sun.

The Department of Public Health and this office support SB 746. Therefore, consistent with Board policy to support proposals that would protect and improve the health of adolescents and young adults ages 12 to 24, **the Sacramento advocates will support SB 746.**

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SB 746 is sponsored by the California Society of Dermatology and Dermatological Surgery and the AIM at Melanoma Foundation. The measure is supported by the American Cancer Society; Anthem Blue Cross; California Medical Association; California Nurses Association; Kaiser Permanente; among other organizations. SB 746 is opposed by the Indoor Tanning Association, National Federation of Independent Businesses, Hollywood Tans, and Palm Beach Tan.

The measure is set for a hearing in the Senate Appropriations Committee on May 16, 2011.

#### **Status of County-Sponsored Legislation**

**County-sponsored AB 259 (Smyth)**, which as amended on May 4, 2011, would expand the job qualifications for applicants to the position of county public defender to include sitting or retired judges, judicial commissioners, magistrates, referees or elected public officials, passed the Assembly Judiciary Committee by a vote of 8 to 2 on May 10, 2011. The measure now proceeds to the Assembly Floor. Alan Fernandes, the County's Chief Legislative Advocate, and former California Attorney General John Van de Kamp testified in support of the legislation.

**County-sponsored SB 913 (Pavley)**, which would authorize a probation officer to consent to routine medical care for detained minors if the parent or legal guardian cannot be located or if they do not respond to requests for consent, passed the Senate by a vote of 40 to 0 on May 9, 2011. This measure now proceeds to the Assembly.

#### **Status of County-Advocacy Legislation**

**County-opposed-unless-amended AB 6 (Fuentes)**, which as amended on April 12, 2011, would eliminate the Statewide Fingerprint Imaging System (SFIS) for cash assistance programs, change CalWORKs and CalFresh reporting requirements from a quarterly to a semi-annual reporting period, and establish a utility assistance initiative for CalFresh beneficiaries, was placed on the Assembly Appropriations Committee suspense file on May 4, 2011. The County opposes this measure unless amended to retain SFIS for cash assistance programs.

**County-opposed AB 375 (Skinner)**, which as introduced on February 14, 2011, would expand the presumptions of work-related injuries to cover hospital employees, was heard before the Assembly Appropriations Committee on May 4, 2001. Due to the potential costs associated with this bill, it was placed on the Committee's suspense file.

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**County-supported AB 1182 (Hernández)**, which as introduced on February 18, 2011, would delete existing requirements for assessing the value of a motor vehicle to exclude the value of a licensed motor vehicle from consideration when determining and re-determining CalWORKs eligibility, passed the Assembly Appropriations Committee by a vote of 11 to 6 on May 4, 2011. This measure now proceeds to the Assembly Floor.

**County-supported SB 33 (Simitian)**, which would repeal the January 1, 2013 sunset date and make permanent provisions established by SB 1018, (Chapter 140, Statutes of 2005), that expanded the scope of the Elder Abuse and Dependent Adult Civil Protection Act to include officers and employees of financial institutions as mandated reporters of financial abuse of an elder or dependent adult, passed the Senate Floor by a vote of 39 to 0 on May 5, 2011. This measure now proceeds to the Assembly.

**County-opposed SB 457 (Calderon)**, which as amended on May 4, 2011, would require the Workers' Compensation Appeals Board to allow a lien on workers' compensation benefits for certain medical expenses in excess of the Official Medical Fee Schedule, was placed on the Senate Appropriations Committee's suspense file on May 9, 2011 because of potential increased costs to the State's General Fund.

We will continue to keep you advised.

WTF:RA  
MR:OR:IGEA:sb

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants